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March 22, 2007

Magistrate Judge Judith G. Dein
United States District Court
United States Courthouse
1 Courthouse Way – Suite 2300
Boston, Massachusetts 02210

**Re: Encompass Insurance Company of Massachusetts v.
Joseph D. Giampa, et al.
Case No. 05-11693 (RCL) (JGD)**

Dear Judge Dein:

I represent the Defendants Joseph D. Giampa, Frederick T. Giampa, Advanced Spine Centers, Inc., d/b/a First Spine, Future Management and Future Management Business Trust in the above captioned matter.

I write to request that the Court schedule a Case Management Conference pursuant to Local Rule 16.1(E) and 16.3. The parties submitted a Rule 26(f) report on May 09, 2006 (see Document #71 on the ECF/PACER Docket) and conducted a Scheduling Conference with Judge Lindsay on January 11, 2007. As a result of the Conference, Judge Lindsay entered an Order as follows: Automatic Disclosure by 02/15/07. Fact discovery by 11/13/07. Plaintiff's expert disclosure by 12/13/07. Defendant's Expert Disclosure due by 01/28/08. Discovery to be completed by 3/2/2008. Motions due by 4/2/2008. Response to motions due by 5/2/2008 (or 30 days after the motion is filed).

To date the parties have conducted depositions of seven (7) witnesses, several of which are to be completed on future dates. The Plaintiff has noticed approximately 25 additional depositions. It is my expectation, based on

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conversations with Plaintiff's counsel that additional depositions are planned beyond the above referenced 32 depositions. In addition, the Defendants anticipate taking several depositions as does counsel for the Counterclaim Defendant.

In addition, certain disputes have arisen with respect to the number of various written discovery demands. The parties have met and discussed some of these issues and are generally working toward an amicable agreement of the disputes.

Based on the volume of proposed depositions and the issues arising based on the outstanding written discovery, I respectfully request that the Court order a Case Management Conference and direct that the parties submit a joint statement concerning the agenda to be discussed pursuant to Local Rule 16.3(b).

Thank you for your immediate attention to this matter.

Very truly yours,

/s/ Matthew J. Conroy

Matthew J. Conroy

MJC/m